

Bock 4-43-7

Remarks

Reconsideration of remaining claims 1, 3-6 and 14 is respectfully requested.

In the Office action dated December 22, 2006, the Examiner rejected the pending claims under 35 USC §§ 102(e) and 103(a). The Examiner's various rejections will be addressed below in the order appearing in the Office action.

35 USC § 102(e) Rejection - Claims 1, 3-5 and 14

The Examiner first rejected claims 1, 3-5 and 14 under 35 USC 102(e) as being anticipated by US Patent 7,095,494 (Mehrl et al.). In response, applicants cannot agree with the Examiner's characterization of Mehrl et al., particularly with respect to the utilization of the output signal from photodetector 125 to "change the deflection profile of said MEMS mirror", as required by rejected independent claims 1 and 14.

Indeed, Mehrl et al. is directed to a different type of arrangement, specifically an arrangement using a micromirror array, where a diffracted optical signal is swept across the various elements forming the array, at "at least one photodetector 125" is used to measure the received power and display this power on an associated digital scope 130. The "output" from photodetector 125 is not used as a feedback to the active light source to monitor/change the output power provided by the source, nor is the output from photodetector 125 used to "change the deflection profile" of mirror array 110. There is no discussion or suggestion in Mehrl et al. regarding the change of the deflection profile in response to a signal intercepted by the photodetector. Function generation 135 of Mehrl et al. is utilized, instead, to "sweep" the deflection angle of the mirror array from a first "parked position" to a second "parked position".

In contrast, the arrangement of the present invention utilizes a monitoring photodiode (which is separate from the passive light receiver) to measure the received optical power and "change" (i.e., adjust) the deflection profile of the MEMS mirror to ensure that the passive light receiver does indeed receive the maximum power level

Bock 4-43-7

signal. This aspect of the present invention, as defined by independent claims 1 and 14, is not discussed or suggested by the arrangement of Mehrl et al.

In light of the above limitations of Mehrl et al., applicants assert that Mehrl et al. cannot be found to anticipate the subject matter of claims 1, 3-5 and 14. Applicants thus respectfully request the Examiner to reconsider this rejection and find claims 1, 3-5 and 14 to be in condition for allowance over Mehrl et al.

35 USC § 103(a) Rejection – Claim 6

The Examiner separately rejected claim 6 under 35 USC 103(a) as being unpatentable over Mehrl et al. (as above) in view of Street et al., of record. Street et al. was cited by the Examiner as teaching the use of an optical fiber as a passive optical receiver. Regardless of the Examiner's assertions regarding Street et al., applicants assert for all of the reasons given above that Mehrl et al. cannot be found to render obvious the teachings of the present invention. Applicants thus request the Examiner to also reconsider this rejection and find remaining claim 6 to be in condition for allowance.

Applicants believe that the case in its present form is now in condition for allowance and respectfully request an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,

Timothy Paul Bock et al.

By: Wendy W. Koba
Wendy W. Koba
Reg. No. 30509
Attorney for applicant
610-346-7112

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